



Appeal Decision

Site visit made on 22 April 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/W5780/D/22/3292520

20 Overton Drive, Wanstead, London, E11 2NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Vanda Roy against the decision of the London Borough of Redbridge Council.
 - The application Ref 4225/21 dated 11 October 2021, was refused by notice dated 3 December 2021.
 - The development proposed is demolish existing structure in rear garden. Part single, part two storey rear extension. Removal of chimney.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issues

3. The main issues are the impact of the proposal upon the i) character and appearance of the Conservation Area and ii) the amenity of neighbouring occupants with regard to loss of light and outlook.

Reasons

Character and appearance of the Conservation Area

4. The appeal site is a semi-detached residential property which is located within a residential area and which stands within the Wanstead Park Conservation Area (CA). The planning history of the site is acknowledged; however, it is the proposal before me which is the basis for this appeal and each case must be considered on its own merits. The principle of extensions within a residential area is not disputed by the Council but this is subject to consistency with other relevant Local Plan considerations and, additionally in this case, impact upon the CA as a heritage asset. The proposal, as extensions to an existing dwelling, would not result in additional homes or higher density development meaning the relevance of policies relating to such matters is of limited weight.
5. The existing structure in the rear garden, proposed to be demolished, is an original air raid shelter. It is not listed, however, it is within the CA. I note that the appellant's contend the structure is an eyesore but at the time of my site visit I did not find the air raid shelter to be in such poor condition or be that aesthetically unpleasing, given its age, which would alone warrant its

demolition. Whilst it is evident that the structure is no longer needed to protect residents and the structure is within a private garden I find that it is none the less part of the character and history of the area – it is a quality which distinguishes the area. The heritage statement, submitted as appendix C, I find fails to provide sufficient detail as to the significance of the structure in question. This detail is requested within Redbridge Local Plan 2018 (LP) Policy LP33 (e) as well as paragraph 194 of the National Planning Policy Framework 2021 (the Framework). Such detail is, in my view, required to ascertain whether or not loss of the structure would be supportable having regard for the loss which would be incurred.

6. I note that the applicant no longer uses the inbuilt chimney pot and that it may not physically be needed or used as part of day to day occupation of the site. Despite this I find that the chimney stack makes a positive contribution to the roofscape of the CA. Loss of the chimney I find would contribute to a gradual decline of the CA as a result of the loss of key architectural features that make a positive contribution to the preservation and overall character of this Conservation Area.
7. It should be kept clearly in mind that appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area. As a result of the proposals being to the rear of the host property and the expansive gardens to the rear I find that they would be limited in public views. In that regard I do not find the proposed extension would have an impact upon the appearance of the CA itself which would warrant. The proposals, considered in isolation, are relatively shallow with depths of 1.88m and 2.3m (for the ground floor and first floor elements respectively) but the proposals join onto existing extensions which I find would present cumulatively as large, deep, extensions when considering the original host dwelling. The excessive combined depth would, I find, result in inappropriate development which would be inconsistent with the character of the CA and fail to maintain or enhance the character of the CA. I note there are examples of other extensions within the CA but I have no evidence of extensions to the depth of the existing and proposed extensions combined being characteristic.
8. In addition to depth and overall size I find that the flat roof design appears box like and disjointed. This, combined with the roof light, I find to be inconsistent with the character of the host dwelling itself within the CA. It therefore follows that as a result of the proposal not representing good design it would also fail to deliver sustainable development and would not represent appropriate innovation or change. Overall I find that the combination of proposals discussed above would result in less than substantial harm to the CA as a designated heritage asset.
9. The proposal would be contrary to LP Policy LP26 which requires proposals to conserve and enhance the character and significance of the historic environment and complement the borough's heritage assets in accordance with LP Policy LP33. LP Policy LP33, as outlined above, requires a Conservation Statement and seeks to resist development that does not preserve or enhance the character of designated heritage assets. The proposal is also contrary to LP Policy LP30 which requires development (household extensions) to complement the character of the building and be in accordance with LP Policy LP26. The proposal would be contrary to London Plan 2021 Policy HC1 which notes that

the cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.

10. In addition the Framework states, in paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
11. In accordance with the Framework, paragraph 202, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal is for alterations to a private dwelling and I currently have no evidence before me to support that the proposal would result in any public benefits or is securing optimal viable use.

Neighbouring Amenity

12. At the time of my site visit I stood in the garden of the appeal site and looked back towards the host dwelling and I noted that 22 Overton Drive (no. 22) has an existing ground floor extension. This is also illustrated on the submitted plans before me. The appeal proposal would be of a limited projection beyond the existing extension of no. 22 and would also be single storey along the boundary with no. 22. As a result of these factors I do not find that the proposal would result in a loss of light and outlook with regard to no. 22. The part two storey element of the proposal is on the opposite side of the host dwelling and would be bringing an existing window forward within the rear elevation by under two metres. In that regard I do not find that there would be any impact upon the privacy of no. 22 or 18 Overton Drive (no. 18) which would warrant refusal taking this and the site context into account.
13. The proposed ground floor extension would result in a combined depth of 5 metres from the original rear elevation at a height of 3 metres. I do not find that the ground floor element, which would extend beyond the existing single storey extension by in the region of 2.3 metres depth, would result in an impact upon the outlook or light for no. 18. when considering the existing boundary treatment and overall plot size for the neighbouring property.
14. The part two-storey (first floor) element of the proposal would have a depth of 1.88 metres off the existing built form on site. This would be an addition to an existing first floor rear extension which would result in a combined depth of extension, at first floor level of 3.45m. I find that additional 1.88 metres off existing would, cumulatively with the existing extension at first floor level, result in a loss of light for no. 18 which would be adverse enough to warrant refusal with this proposal. I note the appellant's submission on page 24; however, the drawings do not demonstrate the 45-degree lines stated and I am not convinced that there would not be a loss of light for parts of the day given that within the UK the sun rises in the East, not the West.
15. In addition I find that the combined projection at first floor level, beyond the original rear elevation of the host dwelling, would result in an intrusive and unneighbourly addition and also have an adverse impact upon the amenities of the neighbouring property with regard to loss of outlook as a result of the

depth of the proposal and its position in close proximity to the boundary with no. 18. I find this harmful enough to warrant refusal. I do not find that the boundary treatment would mitigate or separation distances would mitigate this with regard to the proposed first floor extension. This element of the proposal would be notably above the existing boundary treatments with the existing vegetation on site not even coming half way up the existing first floor extension at the time of my site visit in terms of height.

16. The proposal would be contrary to LP Policy LP26 which seeks to avoid adverse impact upon the amenity of neighbouring occupiers in relation to daylight and outlook and LP Policy LP30 which supports household extensions which avoid adverse impact on sunlight/daylight received by neighbouring properties and which is in accordance with LP Policy LP26 and respects the Council's householder design guidance.
17. The proposals would also, cumulatively with the existing extensions, exceed the dimensions (depths) set out within the Housing Guide Supplementary Planning Document 2019 (SPD). Whilst the SPD is, of course, guidance its overarching objective is to avoid intrusive and overbearing additions and protect the amenity of neighbouring occupants. The proposal is therefore contrary to this objective for the reasons outlined above which adds to further conflict with LP Policy LP30 for the reasons outlined in the above paragraphs.

Other Matters

18. The appellant's statement highlights that the Framework is a material consideration and must be taken into account in preparation of the Local Plan and makes extensive reference to the Framework. This is noted; however, the Framework does not change the status of the Local Plan which is the starting point for determination in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004.
19. The appellant has referenced several examples including 90 Overton Drive (2239/21), 2 Overton Drive (3541/20), 22 Overton Drive (1382/19), 4 Overton Drive (3816/16) and 84 Overton Drive (0508/16). Each case must be considered on its own merits. The proposal at 90 Overton Drive resulted in an extension which was not of the scale of that before me in that it would result in a ground floor extension of a depth of 3.5 metres and a first floor extension of 3 metres (off the original rear elevation). The scale of the rear extensions is not comparable to the cumulative depth of that within the proposal before me and furthermore the proposal was of a differing, more character appropriate, design to the host dwelling. 2 Overton Drive is a semi-detached and the bulk of the proposals were on the side away from the adjoined dwelling (no. 4) which would not have resulted in the same neighbouring amenity impacts I have identified and the proposal was of a differing, more character appropriate, design to the host dwelling.
20. The proposals at 22 Overton Drive are noted to have added a further 1.88m to what would be an extended bedroom at first floor level but in that case the proposal appears to comply with the 45-degree code and the first floor element is adjacent to a neighbouring property which has a rear elevation which projects further forward than the site which was the subject of that application. The depths and overall design involved I also find to be incomparable to the appeal which is before me. With regard to the last two permissions (no. 4 and no. 84) they were granted in 2016 since which there has been a key material

change in policy within the Local Plan (2018), the London Plan (2021) and the Framework. These decisions also pre-date the 2019 SPD. The starting points for determination were, therefore, different.

21. I note third party comments submitted in response to this proposal. I have dealt with matters relating to heritage, conservation, depth and residential amenity within the main issues of this appeal. I have no evidence before me to suggest that the proposal would result in noise, water logging or damage to foundations. The proposal is not within a flood risk zone and matters relating to foundations would be assessed and controlled through Building Regulations at the point of construction.

Conclusion

22. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR